

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, N.Y. 12234

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

September 23, 1994

Libardo Rojas, Phy.
50 Lake Avenue
Blasdell, New York 14219

Re: Application for Restoration

Dear Dr. Rojas:

Enclosed please find the Commissioner's Order regarding Case No. 94-76-60R which is in reference to Calendar No. 0013080. This order and any decision contained there in goes into effect five (5) days after the date of this letter.

Very truly yours,

DANIEL J. KELLEHER
Director of Investigations

By: *Gustave Martine*

Gustave Martine
Supervisor

The University of the State of New York
Education Department



IN THE MATTER

of the

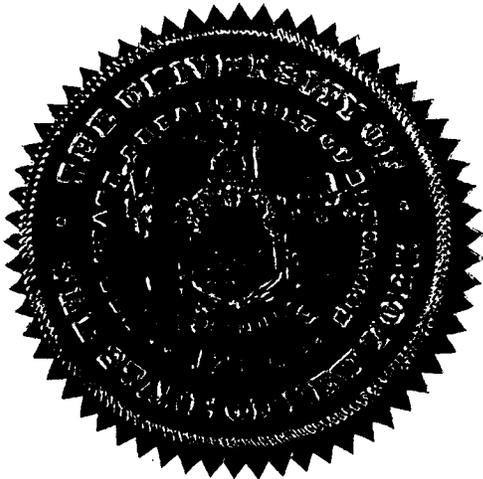
Application of LIBARDO ROJAS
for restoration of his license to practice
medicine in the State of New York

Case No. 94-76-60R

It appearing that the license of LIBARDO ROJAS, 50 Lake Avenue, Blasdell, New York 14219, to practice medicine in the State of New York, having been revoked by action of the Board of Regents on January 17, 1990, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition, and having agreed with and accepted the recommendation and analysis of the Peer Committee and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on July 22, 1994, it was

ORDERED that the petition for restoration of license No. 089407, authorizing LIBARDO ROJAS to practice medicine in the State of New York, is denied.

IN WITNESS WHEREOF, I, THOMAS SOBOL,
Commissioner of Education of the State of New
York, for and on behalf of the State Education
Department, do hereunto set my hand and affix
the seal of the State Education Department at
the City of Albany, this 14th day of September,
1994.



Thomas Sobol
Commissioner of Education

Case No. 94-76-60R

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VOTED that the petition for restoration of license No. 089407, authorizing LIBARDO ROJAS to practice medicine in the State of New York, be denied.

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Medical License

Re: **Libardo Rojas**

Attorney: Glenn Edward Murray

Libardo Rojas, 50 Lake Avenue, Blasdell, New York, 14219, petitioned for restoration of his medical license. The chronology of events is as follows:

- 09/10/62 Licensed to practice medicine in New York State.
- 09/20/88 Charged with professional misconduct by Department of Health. (See "Disciplinary History.")
- 12/14/89 Regents Review Committee recommended that license be revoked.
- 01/17/90 Board of Regents voted revocation.
- 01/29/90 Commissioner's Order effective.
- 02/06/90 Temporary Restraining Order granted by Appellate Division of the Supreme Court.
- 03/22/90 Stay denied, Temporary Restraining Order vacated.
- 03/22/90 Revocation effective.
- 04/19/91 Petition for restoration submitted.
- 03/12/93 Peer Panel restoration review.
- 10/20/93 Recommendation of Peer Review Panel. (See "Recommendation of the Peer Review Panel.")
- 05/11/93 Report and Recommendation of Committee on the Professions. (See "Recommendation of the Committee on the Professions.")

Disciplinary History. (See attached report of the Regents Review Committee.) On September 20, 1988, the Department of Health charged Dr. Rojas with committing unprofessional conduct by his having willfully harassed, abused, or intimidated a patient either physically or verbally, and by his conduct in the practice of the profession which evidenced moral unfitness to practice the profession. The charges resulted from Dr. Rojas having demonstrated a clear pattern of abuse upon seven individuals (one employee and six patients) who had placed themselves in compromising positions by virtue of the trust conferred upon Dr. Rojas arising from his licensure.

In 1989, the Hearing Committee (Shamberger, Donoghue, Lynch) of the Department of Health recommended that Dr. Rojas' license be revoked. On April 11, 1989, the Commissioner of Health recommended revocation. On December 14, 1989, by a vote of two to one, the Regents Review Committee (Griffith, Bolin, Picariello) recommended that Dr. Rojas' license be revoked. On January 17, 1990, the Board of Regents voted to revoke Dr. Rojas' medical license. The Commissioner's Order became effective on January 29, 1990. On February 6, 1990, Dr. Rojas instituted an Article 78 proceeding to contest the action of the Regents and obtained a Temporary Restraining Order. On March 22, 1990, the Temporary Restraining Order was vacated, and the revocation became effective. The Appellate Division, Third Department, of the New York State Supreme Court denied Dr. Rojas' appeal.

Recommendation of the Peer Review Panel. (See attached report of the Peer Review Panel.) The Peer Review Panel (Lopez, Boyce, Riggins) met on March 12, 1993. In its report, dated October 20, 1993, the Panel recommended that Dr. Rojas' petition for restoration of his medical license be denied.

Recommendation of the Committee on the Professions. On May 11, 1994 the Committee on the Professions (Szetela, Ahearn, and Sauer) reviewed the petition of Libardo Rojas for the restoration of his license as a physician. Dr. Rojas appeared personally and was represented by his attorney, Glen Edward Murray, Esq..

Mr. Murray opened the presentation to the Committee on the Professions on behalf of Dr. Rojas by explaining that Dr. Rojas consulted him in March of this year after the Peer Panel determination. Mr. Murray stated that at the Peer Panel Review Dr. Rojas had not addressed the real issues in the relicensure process and that Dr. Rojas felt he was supposed to try to vindicate himself or challenge the penalty that had been imposed. Since that time Dr. Rojas has reevaluated the situation. Mr. Murray went on to state that Dr. Rojas has accepted that the loss of licensure was based on his behavior. Dr. Rojas now seeks to have his license restored so that he can provide basic medical services and conduct research.

The Committee inquired of Dr. Rojas as to what was different now that made him alter his position from that in the record of his petition and the Peer Review meeting. Dr. Rojas replied that he agreed with what his attorney had previously said and that he was now

admitted his guilt and asserted that he felt remorse for his actions. However, he offered no insights into why these actions were committed or what the impact may have been upon the women he violated and the record demonstrates no rehabilitation.

In his presentation before the Committee Dr. Rojas stated that he had attended several meetings on ethics during the last year. Such meetings may well be desirable. However, the record does not show that the reasons underlying Dr. Rojas' harassing behavior have been identified and that a purposeful plan of reeducation has been undertaken to address the problems.

After a complete review of the record and Dr. Rojas' personal appearance, the Committee finds Dr. Rojas' statements of remorse to be less than credible. In reviewing restoration petitions the Committee uses as a guideline the concepts of remorse, reeducation, and rehabilitation. For all of the reasons above the Committee finds that Dr. Rojas has not demonstrated a level of these three guidelines that would warrant restoration of his license as a physician. Accordingly, the Committee unanimously recommended that Dr. Rojas' petition for restoration of his license as a physician be denied.